

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Adopted and Filed Emergency

Rule making related to _____.

The Department of Agriculture and Land Stewardship hereby amends Chapter 85, "Weights and Measures," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 214A.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 214A.2.

Purpose and Summary

The rule making adds an Iowa-specific standard for biodiesel blended fuel classified as higher than B-20 but less than B-99. Currently, the Department relies on standards from ASTM, however, none currently exist for biodiesel blends between B-20 and B-99. The rule making adopts existing ASTM standards by reference for both biodiesel and diesel to establish an Iowa-specific standard. The rule making also makes formatting changes to the chapter to read easier and removes outdated provisions.

Reason for Adoption of Rule Making Without Prior Notice and Opportunity for Public Participation

Pursuant to Iowa Code section 17A.4(3), the Board finds that notice and public participation are unnecessary or impractical because emergency adoption was approved by the Administrative Rules Review Committee

In compliance with Iowa Code section 17A.4(3)"a," the Administrative Rules Review Committee at its December 12, 2022, meeting reviewed the Board's determination and this rule making and approved the emergency adoption.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)"b"(1)(b), the Department also finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective as soon as possible, upon approval by the Administrative Rules Review Committee. Earlier adoption of this rule by the Department will allow the Iowa Department of Revenue to offer tax credits for biodiesel blended fuels above B-20 beginning on January 1, 2023, as specified in 2022 Iowa Acts, House File 2128. This will confer a benefit to the public.

Adoption of Rule Making

This rule making was adopted by the Department on November 21, 2022.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rule making has been initiated through the normal rule-making process and is published herein under Notice of Intended Action as to ARC XXXXC allow for public comment.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions pursuant to 21-Chapter 8.

Effective Date

This rule making will become effective on December 12, 2022.

The following rule-making action is adopted:

Item 1: Repeal Chapter 21–85.33 as follows and replace with the following:

21—85.33 (214A,208A) Motor fuel and antifreeze tests and standards.

- (1) In the interest of uniformity, the tests and standards for motor fuel, including but not limited to renewable fuels such as ethanol blended gasoline, biodiesel, biodiesel blended fuel, and components such as an oxygenate, raffinate natural gasoline and motor vehicle antifreeze shall be those established by the ASTM international in effect on December 1, 2022, with the following exceptions:
 - A. Biodiesel blended fuel classified as higher than B-20 but less than B-99.
 - B. Tests and standards that are otherwise required by statute.
- (2) The components used to produce biodiesel blended fuel classified as higher than B-20 but less than B-99, must meet the following department standards:
 - A. The biodiesel must meet ASTM international specification D6751.
 - B. The diesel must meet ASTM international specification D975.
- (3) Diesel fuel which does not comply with ASTM international specifications may be blended with biodiesel, additives, or other diesel fuel so that the finished blended product does meet the applicable specifications.
- (4) Motor fuel that contains more than one-half of 1 percent of methyl tertiary butyl ether (MTBE) by volume shall not be sold, offered for sale, or stored in Iowa.

This rule is intended to implement Iowa Code sections 208A.5, 208A.6, 214A.2 as amended by 2022 Iowa Acts, House File 2128, and 215.18.

[ARC 0953C, IAB 8/21/13, effective 9/25/13]